

Application Serial No.: 10/051,042
Reply to Office Action dated January 29, 2004,
and Office Action dated June 29, 2004

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

The present Amendment reiterates the amendments and argument set forth in the Amendment filed on April 29, 2004. The designation of Claims 15-23 in the Amendment filed on April 29, 2004, as being “(Newly Added)” has been changed to “(New)” in order to address the Official Action dated June 29, 2004.

Claims 1-10 and 15-23 are presently active in this case, Claim 1 having been amended, Claims 11-14 having been canceled, and Claims 15-23 having been added by way of the present Amendment. Claims 11-14 have been canceled without prejudice or disclaimer, as being drawn to a non-elected invention.

In the outstanding Official Action, Claims 1, 2, 6, 7, and 9 were rejected under 35 U.S.C. 102(b) as being anticipated by Brown et al. (U.S. Patent No. 6,100,208). Claims 1-10 were rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being unpatentable over Brown et al. For the reasons discussed below, the Applicants request the withdrawal of the art rejections.

In the Office Action, the Brown et al. reference is indicated as anticipating Claim 1. However, the Applicants note that a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As will be demonstrated below, the Brown et al. reference clearly does not meet each and every limitation of the independent Claim 1.

Claim 1 of the present application recites a vapor-permeable and water-resistant sheet

Application Serial No.: 10/051,042
Reply to Office Action dated January 29, 2004,
and Office Action dated June 29, 2004

comprising a film layer having vapor permeability and water-resistance, a surface protection layer laminated onto one surface of the film layer and made of a spun bonded nonwoven fabric having a basis weight of equal to or more than 20 g/m² and equal to or less than 70 g/m², and a reinforcement layer of reticular construction made of a stretched film, laminated onto the other surface of the film layer. The Brown et al. reference does not teach or suggest the sheet recited in Claim 1.

Claim 1 recites a reinforcement layer of reticular construction that is made of a stretched film. One advantage of such a configuration is that since the reinforcement layer is made of a stretched film that is laminated on the other surface of the film layer, then even if the spun bonded nonwoven fabric laminated on the one surface of the film layer has a small basis weight thereby lightening the entire weight thereof, the necessary mechanical strength of the sheet is maintained by the reinforcement layer.

The Brown et al. reference describes an outdoor protective fabric including a first outer layer (12), a second outer layer (14), and a barrier layer (16) positioned between the first and second outer layers. The first outer layer (12) is adapted to provide the desired UV resistance, the barrier layer (16) is adapted to provide a water-impervious barrier, and the second outer layer (14) is adapted to provide additional strength, and support to the barrier layer (16) and laminate (10). The second outer layer (14) is described as being made of a woven web, knitted fabric, spunlaced material, bonded carded webs, needle punched material, or spunbond nonwoven web. However, the Brown et al. reference does not disclose or suggest that the second outer layer (14) is made of a stretched film. Accordingly, the Applicants submit that the Brown et al. reference does not anticipate Claim 1 of the present application, nor does the Brown et al. reference provide a *prima facie* case of obviousness for

Application Serial No.: 10/051,042
Reply to Office Action dated January 29, 2004,
and Office Action dated June 29, 2004

Claim 1. Thus, Claim 1 is believed to be patentably distinguishable over the Brown et al. reference.

Accordingly, the Applicants respectfully request the withdrawal of the art rejections of Claim 1.

Claims 2-10 are considered allowable for the reasons advanced for Claim 1 from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed, taught, nor suggested by the applied references when those features are considered within the context of Claim 1.

Newly added Claims 15-23 are considered allowable for at least the reasons provided for Claim 1, from which they depend. Support for the new claims can be found in the specification, for example, on page 12, line 7, through page 17, line 4.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Registration No. 25,599
Attorney of Record

Christopher D. Ward
Registration No. 41,367

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 10/01)

GJM:CDW:brf

I:\atty\cdw\218264US3\am2.doc